



Attorney Docket: YOR920000754US3

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Applicant(s): Adams et al.
Docket No.: YOR920000754US3
Serial No.: 10/678,514
Filing Date: October 3, 2003
Group: 3663
Examiner: Ronnie M. Mancho

I hereby certify that this paper is being deposited on this date with the U.S. Postal Service as first class mail addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Signature: Sudan Intimer Date: November 17, 2005

Title: Apparatus, System, and Method for Determining a User Position and Progress Along a Path

TRANSMITTAL OF APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith are the following documents relating to the above-identified patent application:

1. Appeal Brief; and
2. Copy of Notice of Appeal, filed on September 20, 2005, with copy of stamped return postcard indicating receipt of Notice by PTO on September 22, 2005.

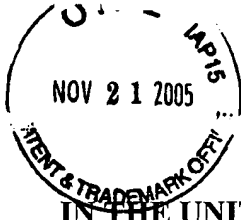
There is an additional fee of \$500 due in conjunction with this submission under 37 CFR §1.17(c). Please charge **IBM Corporation's Deposit Account No. 50-0510** the amount of \$500 to cover this fee. In the event of non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit **IBM Corporation's Deposit Account No. 50-0510** as required to correct the error. A duplicate copy of this letter is enclosed.

Respectfully,

Kevin M. Mason

Date: November 17, 2005

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APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

20 Sir:

Applicants hereby appeal the rejection dated June 20, 2005, of claims 1 through 13 of the above-identified patent application.

25

REAL PARTY IN INTEREST

The present application is assigned to IBM Corporation, as evidenced by an assignment recorded on November 15, 2000 in the United States Patent and Trademark Office at Reel 011330, Frame 0164. The assignee, IBM Corporation, is the real party in interest.

30

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

STATUS OF CLAIMS

35

Claims 1 through 13 are pending in the above-identified patent application. Claims 1-13 remain rejected under 35 U.S.C. §112, first paragraph, as

failing to comply with the enablement requirement and claims 1-13 remain rejected under 35 U.S.C. § 102(b) as being anticipated by DeLorme et al. (United States Patent Number 5,938,040).

STATUS OF AMENDMENTS

There have been no amendments filed subsequent to the present Office Action.

SUMMARY OF INVENTION

The present invention is a device that has one or more memories that store a set of position points defining respective locations within one or more physical areas (page 4, lines 1-11). A communication interface on the device communicates with one or more signal sources located at one or more of the respective locations proximate to the position detection device. Each of the signal sources responds to the device with information about the respective location (page 5, lines 7-15). A path process defines one or more paths connecting one or more of the position points in response to a user query. The path process accesses the information from one or more of the signal sources and determines the progress of the device user through the physical area as defined by the path. A user interface communicates the progress through the physical area to the user (page 5, line 15, to page 6, line 22).

ISSUES PRESENTED FOR REVIEW

Claims 1-13 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement and claims 1-13 are rejected under 35 U.S.C. § 102(b) as being anticipated by DeLorme et al.

ARGUMENT

Section 112 Rejections

Claims 1-13 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. In particular, the Examiner asserts that, “as an example, applicant’s fig. 1 show two signal sources 110, 120 belonging to a users of a

navigation system. These signal sources were not assigned any locations in applicant's disclosure. The signal sources belonging to the users make a query about information related to navigation from a host (100, 130, 140)." The Examiner further asserts that the present disclosure reveals that the claimed "position detection device" and "signal source" refer to the same entity, that the applicant claims that "the position device" moves, and that the specification indicates that the signal sources 110, 120 move.

Regarding the Examiner's assertion that the signal sources were not assigned any locations in applicant's disclosure, Applicants note that the present specification teaches that "*one or more signal sources (are) located at one or more of the respective locations* proximate to the position detection device. Each of the signal sources responds to the device with information about the respective location." (Page 4, lines 4-7; emphasis added.)

Regarding the Examiner's assertion that the present disclosure reveals that the claimed "position detection device" and "signal source" refer to the same entity, Applicants note that the present disclosure teaches that "block 110 is an RFID tag for location A. The card 110 is stimulated by the signals sent from the transceiver 100 (part of the position detection device) and sends return information to the transceiver 100." (Page 4, lines 24-25.) As noted above, the present disclosure clearly recites that the signal sources are "located at one or more of the respective locations proximate to the position detection device. Each of the signal sources responds to the device with information about the respective location." (Page 4, lines 4-7.) RFID tag 110 is a *signal source*, as defined in the present specification. While transceiver 100 sends signals, transceiver 100 clearly does not meet the definition of a *signal source*, as defined in the present specification.

Regarding the Examiner's assertion that the specification indicates that the signal sources 110, 120 move, the present specification teaches (as noted above) that "one or more signal sources (are) *located at one or more of the respective locations* proximate to the position detection device. Each of the signal sources responds to the device with information about the respective location." (Page 4, lines 4-7; emphasis added.) Applicants could find no disclosure in the specification that signal sources 110, 120 move.

Independent Claims 1, 7, and 10

Independent claims 1, 7, and 10 are rejected under 35 U.S.C. § 102(b) as being anticipated by DeLorme et al. Regarding claim 1, the Examiner asserts that DeLorme et al. disclose a position detection device (203; FIGS. 2 and 3; col. 30, lines 58+; col. 73, lines 8-17) comprising...a path process (FIGS. 4-6; col. 44, line 42 thru col. 45, line 27) that defines one or more paths connecting one or more of the position points in response to a user query (906, FIG. 9B), the path process further accessing the information (see GPS 908, FIG. 9A; col. 72, lines 1-19) from one or more of the signal sources (905, 906) to determine a progress of the position detection device through the physical area as defined by the path.

Applicants note that DeLorme teaches that the *progress of the one or more signal sources 905, 906, 907 (see, FIG. 9B) through a physical area* is determined by accessing the information of GPS 908 (col. 77, lines 34-44). DeLorme teaches that the *position detection device (element 203 in FIG. 2 and element TRIPS 904 in FIG. 9B) is located at a fixed location* in a building (FIG. 9B) and *obtains the location information from GPS 908 to track signal sources 905, 906, 907*. DeLorme, thus, teaches away from the present invention by teaching that the position detection device is in a fixed location and by teaching that the position detection device tracks the progress of the signal sources. Independent claims 1, 7, and 10 require a “accessing the information from one or more of the signal sources to determine a *progress of the position detection device* through the physical area as defined by the path.”

Conclusion

Thus, DeLorme et al. do not disclose or suggest determining the “*progress of the position detection device* through the physical area,” as required by independent claims 1, 7, and 10.

The rejection of the cited claims under sections 112 and 102 in view of DeLorme are therefore believed to be improper and should be withdrawn. The rejected dependent claims are believed allowable for at least the reasons identified above with respect to the independent claims.

The attention of the Examiner and the Appeal Board to this matter is appreciated.

Respectfully,



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Date: November 20, 2005

APPENDIX

1. A position detection device comprising:

one or more memories that store a set of position points defining assigned
5 locations within one or more physical areas;

a communication interface for communicating with one or more signal
sources, wherein each of said one or more signal sources is located at one of the assigned
locations proximate to the position detection device, each of the signal sources having
information about its assigned location, each of the signal sources comprising at least one
10 wireless identification tag that is stimulated by at least one signal sent from the
communication interface and that returns the information to the communication interface;

a path process that defines one or more paths connecting one or more of
the position points in response to a user query, the path process further accessing the
information from one or more of the signal sources to determine a progress of the
15 position detection device through the physical area as defined by the path; and

an interface that communicates the progress of the position detection
device through the physical area to the user.

2. A device, as in claim 1, where the physical area includes any one or more
20 of the following: a street, an interior of a building, a transit station, a retail store, and a
town.

3. A device, as in claim 1, where the information includes non position
information about the respective location.

4. A device, as in claim 3, where the non position information includes any
one or more of the following information types: a building name, an address, a surname,
a business name, a work place, a hotel, a restaurant, a civic directory, a performance
program, a residence address, a directory of occupants, a set of directions to a next
30 location, a warning, a designation of one or more obstacles, a route, a public
announcement, a government notice, tourist information, and exhibit information.

5. A device, as in claim 1, wherein the interface further comprises a tactile map interface that updates a tactile map to indicate a current user position and at least one direction to a destination.

5 6. A device, as in claim 5, wherein the interface further comprises a speech synthesis module that converts the progress from text to audio.

7. A method for determining a position of a user comprising the steps of:
storing in a memory a set of position points defining assigned locations
10 within one or more physical areas;
communicating with one or more signal sources, wherein each of said one or more signal sources is located at one of the assigned locations proximate to a position detection device, each of the signal sources having information about the respective assigned location, each of the signal sources comprising at least one wireless
15 identification tag that is stimulated by at least one signal sent from the communication interface and that returns the information to the communication interface;
defining one or more paths connecting one or more of the position points in response to a user query;
accessing the information from one or more of the signal sources to
20 determine a progress of the position detection device through the physical area as defined by the path; and
communicating the progress of the position detection device through the physical area to the user.

25 8. A method, as in claim 7, wherein the step of communicating further comprises the step of updating a tactile map to indicate a current user position and at least one direction to a destination.

9. A method, as in claim 8, wherein the step of communicating further
30 comprises the step of converting the progress from text to audio.

10. A system for determining a position of a user comprising:
 means for storing in a memory a set of position points defining assigned
locations within one or more physical areas;

 means for communicating with one or more signal sources, wherein each
5 of said one or more signal sources is located at one of the assigned locations proximate to
a position detection device, each of the signal sources having information about the
respective assigned location, each of the signal sources comprising at least one wireless
identification tag that is stimulated by at least one signal sent from the communication
interface and that returns the information to the communication interface;

10 means for defining one or more paths connecting one or more of the
position points in response to a user query;

 means for accessing the information from one or more of the signal
sources to determine a progress of the position detection device through the physical area
as defined by the path; and

15 means for communicating the progress of the position detection device
through the physical area to the user.

11. A system, as in claim 10, wherein the means for communicating further
comprises a means for updating a tactile map to indicate a current user position and
20 directions to a destination.

12. A system, as in claim 11, wherein the means for communicating further
comprises means for converting the progress from text to audio.

25 13. A device, as in claim 1, wherein the wireless identification tag includes
any one or more of the following: a radio frequency transmitter, an infrared transmitter,
and a spread spectrum transmitter.

EVIDENCE APPENDIX

There is no evidence submitted pursuant to § 1.130, 1.131, or 1.132 or entered by the Examiner and relied upon by appellant.

RELATED PROCEEDINGS APPENDIX

There are no known decisions rendered by a court or the Board in any proceeding identified pursuant to paragraph (c)(1)(ii) of 37 CFR 41.37.



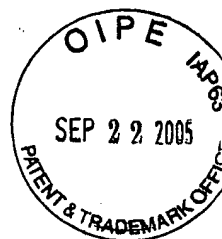
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FAIRFIELD, CT 06824

Receipt in the USPTO is hereby acknowledged of:

Transmittal Letter - (Original & 1 copy)
Notice of Appeal - (Original & 1 copy)

September 20, 2005
Serial No.: 10/678,514
YOR920000754US3
1500-286 CON2 (KMM)

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**NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)

YOR920000754US3

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Signature

Typed or printed name

Tina Maurice

In re Application of

Adams et al.

Application Number

10/678,514

Filed

October 3, 2003

For Apparatus, System, and Method for Determining a User Position and Progress Along a Path

Group Art Unit

3663

Examiner

Ronnie M. Mancho

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b))

\$ 500.00

- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____.
- ☐ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-0510. I have enclosed a duplicate copy of this sheet.
- ☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- ☒ attorney or agent of record.
- ☐ attorney or agent acting under 37 CFR 1.34(a).
Registration number if acting under 37 CFR 1.34(a) _____.

Kevin M. Mason

Signature

Kevin M. Mason

Typed or printed name

September 20, 2005

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of 1 forms are submitted.

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